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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,841	09/19/2001	Jan Van de Berg	310.1019	6597

22856      7590      05/22/2002  
ROBERTS & MERCANTI, L.L.P.  
P.O. BOX 3156  
NEWARK, NJ 07103-0156

EXAMINER

JACKSON, ANDRE K

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 05/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/786,841

Applicant(s)

VAN DE BERG ET AL.

Examiner

Andre' K. Jackson

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,10,12,16,18 and 19 is/are rejected.
- 7) ☒ Claim(s) 9,11,13-15 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

2. The disclosure is objected to because of the following informalities:

Page 3 line 6 a --comma--is needed before and after "however"

Page 9 lines 26 recites the reading device 41. There is no 41 in the drawings.

Page 11 line 35 a --comma--is needed after "therefore".

Appropriate correction is required.

### ***Claim Objections***

3. Claims 1 and 18 are objected to because of the following informalities:

Claim 1 line15 "the" needs to be deleted.

Claim 11, line 2 "the" needs to be deleted.

Claim 18, line 3 "the" needs to be deleted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5,10,12,16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 4030284 in view of Roberts.

Regarding claim 1, DE 4030284 discloses a reading device, a resonant circuit, a sensor and moisture sensitive material. What is not disclosed by DE 4030284 is wirelessly generating the electromagnetic field and wirelessly recording the response. However, Roberts discloses a "Method of and apparatus for determining characteristics of a fluid" which has a means for wirelessly generating the electromagnetic field and wirelessly recording the response (Page 1, lines 93-101). Therefore, to modify DE 4030284 to include a means for wirelessly generating the electromagnetic field and wirelessly recording the response would have been obvious to one of ordinary skill in the art at the time of invention in

view of the teachings of Roberts. The use of wireless transmitters and receivers provides remote communication and is less prone to environmental disruption. The skilled artisan would therefore be motivated to substitute the conventional generators with the more robust wireless system.

Regarding claims 2 and 3, DE 4030284 does not disclose that the Q factor of the resonant circuit increases and decreases when the resistance of the moisture sensitive material increases and decreases. However, Roberts discloses a "Method of and apparatus for determining characteristics of a fluid" which discloses that the Q factor of the resonant circuit increases and decreases when the resistance of the moisture sensitive material increases and decreases (page 1, lines 86-92). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify DE 4030284 to include feature that the Q factor of the resonant circuit increases and decreases when the resistance of the moisture sensitive material increases and decreases as taught by Roberts since they are from the same field of endeavor.

Regarding claims 4 and 5, DE 4030284 does not show an LC circuit. However, to modify DE 4030284 to include an LC circuit which is well known in the art would have been clearly within the preview of one of ordinary skill in the art at the time of invention since it is well known to use

a LC as a measuring circuit. It is inherent that part or all of the LC circuit be made of moisture sensitive material.

Regarding claim 10, DE4030284 discloses that the transmitter-receiver means is designed as a transmission system for detecting an electromagnetic response signal generated by at least one sensor.

Regarding claim 12, DE 4030284 does not disclose that the reading device comprise a threshold circuit. However, Roberts discloses a "Method of and apparatus for determining characteristics of a fluid" which discloses that the reading device comprises a threshold circuit (logic circuits). Therefore, it would have been obvious to the skilled artisan at the time of invention to modify DE 4030284 to include a reading device comprise a threshold circuit as taught by Roberts since they are from the same field of endeavor.

Regarding claim 16, DE 4030284 does not disclose DE 4030284 does not disclose an alarm signal when moisture is detected. However, Roberts discloses a "Method of and apparatus for determining characteristics of a fluid" which discloses an alarm (page 1, lines 111-117). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify DE 4030284 to include an alarm as taught by Roberts since an indication of moisture by an alarm or indicator would be extremely useful to the operator.



Regarding claim 18, DE 4030284 comprises a central control unit that is connected with at least one reading device for obtaining information about the presence of moisture at one sensor.

7. Claims 6,7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 4030284 in view of Roberts as applied to claims 1-5,10,12,16 and 18 above, and further in view of Nishijima et al.

Regarding claim 6, neither DE 4030284 nor Roberts disclose that the moisture sensitive material comprise a binding agent capable of swelling in moisture. However, Nishijima et al. discloses a "Moisture and dew detection sensor" which does disclose a moisture sensitive material comprises a binding agent capable of swelling in moisture (page 5, line 25). Therefore, the skilled artisan would have been inclined to modify DE 4030284 to include a moisture sensitive material comprise a binding agent capable of swelling in moisture as taught by Nishijima et al. since they are from the same field of endeavor.

Regarding claim 7, neither DE 4030284 nor Roberts disclose that the moisture sensitive material comprises a binding agent in which particles are capable of swelling in moisture. However, Nishijima et al. discloses a "Moisture and dew detection sensor" which does disclose a moisture sensitive material comprises a binding agent in which particles are capable of swelling in moisture. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of invention to modify DE 4030284 to include a moisture sensitive material comprises a binding agent in which particles are capable of swelling in moisture as taught by Nishijima et al. since they are from the same field of endeavor.

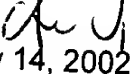
Regarding claim 8, neither DE 4030284 nor Roberts disclose that the moisture sensitive material is arranged on a carrier in the form of a coating. However, Nishijima et al. discloses a "Moisture and dew detection sensor" which does disclose a moisture sensitive material is arranged on a carrier in the form of a coating (page 5, line 63). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify DE 4030284 to include a moisture sensitive material is arranged on a carrier in the form of a coating as taught by Nishijima et al. since they are from the same field of endeavor.

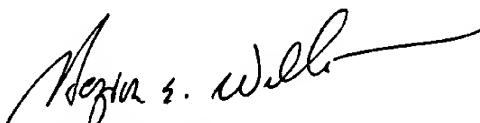
8. Claims 9,11,13-15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' K. Jackson whose telephone

number is (703) 305-1522. The examiner can normally be reached on Mon.-Fri. 7AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (703) 305-4705. The fax phone numbers for the organization where this application or proceeding is assigned are N/A for regular communications and N/A for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

A.J.   
May 14, 2002

  
HEZRON WILLIAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800